

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JACKIE FISHER

Plaintiff,

vs.

UNIVERSITY OF TEXAS
MEDICAL BRANCH and
DAVID WATSON

Defendants.

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CIVIL ACTION NO. 4:08-CV-01273

Jury Demanded

DEFENDANTS' FIRST AMENDED INITIAL DISCLOSURES

TO: Plaintiff Jackie Fisher, by and through her attorney, Jo Miller, 505 North Main, Carriage House, Conroe, Texas 77301.

Defendants, UNIVERSITY OF TEXAS MEDICAL BRANCH AND DAVID WATSON

("Defendants"), hereby propound these *Initial Disclosures* required by Rule 26(a)(1) of the

Federal Rules of Civil Procedure:

- (A) the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:

The addresses and telephone numbers for UTMB-Managed Care employees is UTMB-Managed Care, 3009-A. Highway 30 West, Huntsville, TX 77340, (936) 437-3501.

David Watson, RN

Former Huntsville District Nurse Manager

Mr. Watson was Ms. Fisher's supervisor and has knowledge of her job performance, complaints received, reports to the Board of Nurse Examiners and Ms. Fisher's demotion.

Mary Gotcher, RN, RNP

Northern Division Director of Nursing, UTMB, M-C, 3009-A, Highway 30 West, Huntsville, Texas 77340.

Ms. Gotcher was the Director of Nursing for the Northern Division of UTMB's

Correctional Managed Care. Ms. Gotcher has knowledge regarding complaints she received, the investigation conduction and the demotion of Jackie Fisher.

Georgia Melton

Former Northern Division Human Resources Administrator

Ms. Melton conducted the grievance investigation in at the Estelle facility in 2006 and has knowledge of Ms. Fisher's demotion.

Sandy Rader

District Human Resources Manager

Ms. Rader has knowledge regarding the complaints and grievances received from medical staff and Ms. Fisher's demotion.

Denise Box,

District Senior Practice Manager

Ms. Box was part of the District Management Team and may have knowledge regarding complaints and grievances relating to Ms. Fisher.

Dr. Glenda Adams

Northern Division Medical Director

Dr. Adams may have knowledge regarding Ms. Fisher's performance and management of nursing personnel and complaints received in the Huntsville Division.

Dr. Ernestine Julye

Physician III

Dr. Julye may have knowledge regarding Ms. Fisher's performance and management of nursing personnel and complaints received in the Huntsville Division.

Gene McMasters

Practice Manager

Mr. McMasters may have knowledge regarding Ms. Fisher's performance and management of nursing personnel and complaints received in the Huntsville Division.

Julie Lawson

Physicians Assistant

Ms. Lawson may have knowledge regarding Ms. Fisher's performance and management of nursing personnel and complaints received in the Huntsville Division.

Bryan Allison, Recruiting Manager

Supplemental Health Care

3040 Post Oak Blvd. #1200

Houston, TX 77056

713-965-9998

Mr. Allison reported to David Watson that some agency nurses reported the Ms. Fisher

was very difficult to work for and they had requested not to work and the Regional Medical Facility in the future.

They following employees attended the March 8, 2006, staff meeting where Ms. Gotcher discussed the problems at the Estelle Regional Medical Facility and have knowledge regarding what happened at the meeting. In addition, these employees were supervised by Ms. Fisher and may have knowledge regarding the issues surrounding this lawsuit.

Theresa Morning, Patient Care Assistant
Ruby Proctor, Nurse Assistant
Aronico Castro, LVN
Ann Darby, RN
Gail MacCartney, RN
Mary Magouirk, LVN
Rocio Sevilla, Nurse Assistant
Victor Aguilar, Nurse Clinician III
Connie West, Dialysis Patient Care Tech
Luan Shelly, LVN
Lakeshia Massie, Patient Care Assistant
Yolanda Smith, Patient Care Assistant
Lela Shaw, Vocational Nurse
Kimberly Reagan, LVN
Daphne Brantley, LVN
Nancy Lowder, Nurse Clinician III
Betty Jacobs, Medical Assistant
Idongesit Inyang, Patient Care Assistant

(A 1) Pursuant to the court's order, counsel's Huntsville contacts are Sandy Rader and Mary Goetz listed above.

(B) a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment:

- 1) Jackie Fisher's Human Resources File
- 2) Jackie Fisher's Unit Personnel File
- 3) Georgia Melton's Investigation file
- 4) Jackie Fisher's Grievances and Appeal

(C) a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, in which such computation is based,

including materials bearing on the nature and extent of injuries suffered;

The Defendants claim no damages, although they do assert that they may be entitled to attorneys' fees and costs.

- (D) for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

None.

- (E) A party shall disclose to other parties the identity of any person who may be used in trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence.

Defendants have not decided whether they will employ the services of expert witnesses. However, Defendants reserve the right to call experts if they are determined to be necessary in this case, and will make that determination in compliance with the Court's scheduling order in this matter.

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

KENT C. SULLIVAN
First Assistant Attorney General

DAVID S. MORALES
Deputy Attorney General for Litigation

ROBERT B. O'KEEFE
Chief, General Litigation Division

/s/ Sam Lively

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that copies of the above *State Defendants' Initial Disclosures* were served by the following manner, on the **14th day of October 2008**, upon the following individuals at the listed addresses:

Jo Miller
505 North Main
Carriage House
Conroe, Texas 77301
ATTORNEY FOR PLAINTIFF

_____ Via Hand Delivery
____ X _____ Via Certified Mail Return Receipt Requested
_____ Via Facsimile
_____ Via Regular Mail

/s/ Sam Lively
SAM LIVELY
Assistant Attorney General